

TITLE 8 DEVELOPMENT CODE
DIVISION 3: PROCEDURES
CHAPTER 2: POLICY DEVELOPMENT PROCEDURES.
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Article 1: General Plan Land Use District Changes.

83.020105 Procedures.

Decisions to change the classification of land from one adopted land use district to another land use district shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors. However, a recommendation for denial by the Planning Commission shall terminate any application for a change in district classification unless it is appealed in accordance with the provisions of this Code. Amendments to land use districts constitute an amendment of the County General Plan and shall be adopted by resolution and ordinance.

Procedure: Public Hearing
Reviewing Authority: Board of Supervisors with Planning Commission recommendation.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990)

83.020110 Findings.

Prior to approving or recommending approval of a General Plan land use district change, the Planning Agency shall find that the following are true:

- (a) The proposed land use district change is in the public interest, there will be a community benefit and other existing and permitted uses will not be compromised.
- (b) The proposed land use district change is consistent with the goals and policies of the General Plan, and will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.
- (c) The proposed land use district change does not conflict with provisions of this Code, or any applicable specific plan.
- (d) The proposed land use district change will not have a substantial adverse effect on surrounding property.

Readopted Ordinance 3341 (1989)

Article 2: Development Code Amendment.

83.020205 Procedures.

(a) Amendments to the Development Code shall be reviewed and acted upon in conformance with the laws of the State of California.

(b) Decisions to adopt changes to the Development Code shall be reviewed at public hearing by the Planning Commission and acted upon at public hearing by the Board of Supervisors.

(c) Procedure: Public Hearing
Reviewing Authority: Board of Supervisors with Planning Commission recommendation.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990)

83.020210 Findings.

Prior to approving or recommending approval of a Development Code Amendment, the Planning Agency shall find that the proposed ordinance is consistent with the General Plan and its policies.

Readopted Ordinance 3341 (1989)

Article 3: Specific Plan Adoption and Amendment.**83.020305 Procedures.**

(a) Decisions to adopt or amend a Specific Plan shall be reviewed by the Planning Commission and acted upon by the Board of Supervisors.

(b) A Specific Plan shall be prepared, adopted, and amended in the same manner as a general plan, except that a Specific Plan shall be adopted by ordinance and may be amended as often as deemed necessary by the Board of Supervisors. A Specific Plan shall be repealed in the same manner as it is required to be amended.

- (c) Procedure: Public Hearing
Reviewing Authority: Planning Commission
Board of Supervisors

Readopted Ordinance 3341 (1989)

83.020310 Findings.

Prior to taking an action to adopt or amend a specific plan, the Planning Agency shall find that the proposed specific plan or amendment:

- (a) Is consistent with the General Plan; and
- (b) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; and
- (c) Specifies through text and/or diagrams, the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; and
- (d) Specifies through text and/or diagrams, the standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and
- (e) Specifies a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out Findings (b), (c), and (d) above; and
- (f) Includes a statement of the relationship of the specific plan to the General Plan, Development Code and any applicable plan; and
- (g) The Specific Plan addresses any other subjects which are necessary for implementation of the General Plan.

Readopted Ordinance 3341 (1989)

83.020315 Consistency with the Specific Plan.

No local public works projects may be approved, no land use application may be approved and no Specific Plan land use designation may be amended within an area covered by a Specific Plan unless it is consistent with the adopted Specific Plan.

Readopted Ordinance 3341 (1989)

83.020320 Environmental Review Requirements.

(a) Residential development projects, including any subdivision or land use district change, that are consistent with a Specific Plan for which an Environmental Impact Report has been certified after January 1, 1980, are exempt from the requirements of the California Environmental Quality Act (CEQA) provided they meet the criteria for exemption specified in Section 65457 of the California Government Code.

This subsection does not supersede but provides an alternative procedure to Section 21080.7 of the California Public Resources Code.

Readopted Ordinance 3341 (1989)

Article 4: Agricultural Preserves/Land Conservation Contract Actions.**83.020405 Procedures.**

(a) This article makes provisions to establish, expand, disestablish or reduce an Agricultural Preserve boundary and/or establish or cancel a Land Conservation Contract in conformance with the California Land Conservation Act of

1965 for the preservation and management of Agricultural Lands. All the activities listed above require a public hearing by both the Planning Commission and the Board of Supervisors except a County initiated Land Conservation Contract, which shall be heard by the Board of Supervisors without any hearing before the Planning Commission.

- (b) Procedure: Public Hearing
Reviewing Authority: Planning Commission
Board of Supervisors

(c) Prior to action on a request for cancellation of a Land Conservation Contract, the land owner must pay a cancellation fee equal to twelve and one-half percent (12 1/2%) of the cancellation value of the land plus any deferred tax amount.

(d) Prior to cancellation of a Land Conservation Contract the reviewing authority shall make one of the following findings:

- (1) That the cancellation is consistent with the purposes of the Williamson Act; or
- (2) That cancellation is in the public interest.

(e) Non-renewal of a Land Conservation Contract will be accomplished through "Staff Action without Notice" procedures with the Planning Director as the reviewing authority.

Readopted Ordinance 3341 (1989); Amended Ordinance 3427 (1990); Amended Ordinance 3616 (1995)

83.020410 Findings.

(a) Cancellation of a contract shall be consistent with the purposes of the Williamson Act only if the Board of Supervisors make all of the following findings:

- (1) That the cancellation is for land on which a notice of nonrenewal has been served pursuant to Section 51245 of the California Government Code.
- (2) That cancellation is not likely to result in the removal of adjacent lands from agricultural use.
- (3) That cancellation is for an alternative use which is consistent with the applicable provisions of the County General Plan.
- (4) The cancellation will not result in discontinuous patterns of urban development.
- (5) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

(b) Cancellation of a contract shall be in the public interest only if the Board of Supervisors make the following findings:

- (1) That other public concerns substantially outweigh the objectives of the Williamson Act; and
- (2) That there is no proximate noncontracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or that development of the contracted land would provide more contiguous patterns of urban development than development of proximate noncontracted land.

Readopted Ordinance 3341 (1989)

Article 5: Airport Comprehensive Land Use Plans.

83.020505 Procedures.

(a) Airports within County jurisdiction:

(1) Airport Comprehensive Land Use Plans and amendments to such plans shall be reviewed by the Planning Commission before presentation to the Board of Supervisors for its action.

(2) An Airport Comprehensive Land Use Plan shall be prepared, adopted, and amended in the same manner as a general plan, except that an Airport Comprehensive Land Use Plan may be amended as often as deemed necessary by the Board of Supervisors. An Airport Comprehensive Land Use Plan shall be repealed in the same manner as it is required to be amended.

- (3) Procedure: Public Hearing
Reviewing Authority: Planning Commission
Board of Supervisors

(b) Airports within incorporated cities but impact unincorporated areas:

(1) Airport Comprehensive Land Use Plans and any amendments thereto that are prepared and adopted by other jurisdictions but impact unincorporated areas of the County shall be reviewed by the Planning Commission and approved by resolution by the Board of Supervisors.

- (2) Procedure: Public Hearing
Reviewing Authority: Planning Commission
Board of Supervisors

Readopted Ordinance 3341 (1989); Amended Ordinance 3658 (1996)

83.020510 Findings.

Prior to taking an action to adopt or amend an Airport Comprehensive Land Use Plan, the Planning Agency shall find that the proposed plan or amendment:

- (a) Is consistent with the General Plan; and
- (b) Specifies through text and/or diagrams, the distribution, location, and extent of the uses of land within the area covered by the plan; and
- (c) Specifies through text and/or diagrams, the standards and criteria by which development will proceed.

Readopted Ordinance 3341 (1989); Amended Ordinance 3658 (1996)

83.020515 Consistency with the Plan.

No local public works project may be approved, no land use application may be approved and no land use designation may be amended within an area covered by an Airport Comprehensive Land Use Plan unless it is consistent with the adopted Airport Comprehensive Land Use Plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3658 (1996)